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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/008,259

10/29/2001

Tucker L. Smith

9696

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06/30/2006

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EXAMINER

LAstra, DANIEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/008,259

Applicant(s)

SMITH ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/29/01. 2/20/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-24 have been examined. Application 10/008,259 (**SYSTEM AND METHOD FOR PROFILING DIFFERENT USERS HAVING A COMMON COMPUTER IDENTIFIER**) has a filing date 10/29/2001.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 13 recite "a user profile generator for generating a profile data history from the profile data for another user to be associated with the terminal in response to the profile data not corresponding to the profile data history associated with the user terminal". The Applicant specification is not enabling in describing how to determine that another user is using the same user terminal. Applicant's specification describes that users do not register or log in to participate in the system, therefore, Applicant's claimed invention is not enabling in identifying if another user is using the same user terminal.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Blasko (US 2001/0049620).

As per claim 13, Blasko teaches:

A method for profiling different users having a common terminal identifier comprising:

extracting profile data from user terminal activity data (see paragraph 96);  
determining whether the profile data corresponds to a profile data history associated with the user terminal (see paragraph 21); and

generating a profile data history from the profile data for another user to be associated with the terminal in response to the profile data not corresponding to the profile data history associated with the user terminal (see paragraphs 132-133).

As per claim 14, Blasko teaches:

The method of claim 13 wherein the profile data is extracted from session data (see paragraph 96).

As per claim 15, Blasko teaches:

The method of claim 13 wherein the profile data is extracted from browse period data (see paragraphs 96 and 117).

As per claim 16, Blasko teaches:

The method of claim 13 wherein the profile data determination includes comparison of a site identifier, a resource identifier associated with a terminal identifier in the profile data with any site identifiers, resource identifiers in the profile data history associated with the terminal identifier (see paragraphs 117, 160) .

As per claim 17, Blasko teaches:

The method of claim 16 further comprising:

generating a profile history for another user to be associated with the terminal identifier in response to a low level of correspondence between the site identifier and the resource identifier of the profile data and any site identifiers and resource identifiers in said profile history associated with said terminal (see paragraphs 160-161).

As per claim 18, Blasko teaches:

The method of claim 16 wherein the profile data extraction extracts metadata associated with the site identifier and the resource identifier (see paragraph 117).

As per claim 19, Blasko teaches:

The method of claim 13 further comprising:

identifying a user at the terminal by determining which one of at least two profile histories associated with the terminal corresponds with the profile data and selecting an advertising file for transmission to the terminal, the selected advertising file corresponding to the identified user (see paragraph 87).

As per claim 20, Blasko teaches:

The method of claim 16 wherein the comparison of terminal identifiers in the profile data and the profile data history compares cookies (see paragraphs 92 and 96).

As per claim 21, Blasko teaches:

The method of claim 16 wherein the comparison of terminal identifiers in the profile data and the profile data history compares Internet Protocol (IP) addresses (see paragraph 96).

As per claim 22, Blasko teaches:

The method of claim 18 wherein the profile data extraction extracts a subscriber identifier that identifies a subscriber site on a cable television network (see paragraphs 104-105).

As per claim 23, Blasko teaches:

The method of claim 22 wherein the profile data extraction extracts a tuned channel identifier and metadata, the tuned channel identifier identifying a transmission channel to which a receiver is turned at the identified subscriber site and the metadata identifies program content on the tuned channel (see paragraphs 104, 105, 121).

As per claim 24, Blasko teaches:

The method of claim 23 further comprising:

identifying a user at the subscriber site by determining which one of at least two profile histories associated with the subscriber site corresponds with the profile data (see paragraph 114) and selecting an advertising file for transmission to the subscriber site, the selected advertising file corresponding to the identified user (see paragraph 150) .

Claims 1-12 are system claims which contains the same limitations as claims 13-24.

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***Conclusion***

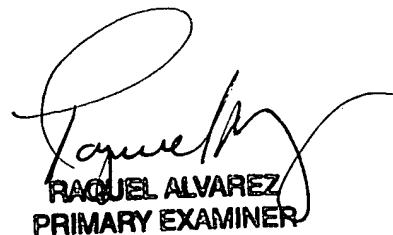
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
June 19, 2006

  
RAQUEL ALVAREZ  
PRIMARY EXAMINER